

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

FERNANDO TALAVERA,

Plaintiff,

vs.

D. STEBBINS, et al.,

Defendants.

1:20-cv-00580-AWI-GSA-PC

**ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS IN FULL
(ECF No. 9.)**

**ORDER DISMISSING CASE, WITHOUT
PREJUDICE, FOR PLAINTIFF'S
FAILURE TO PROSECUTE**

**ORDER DIRECTING CLERK TO
CLOSE CASE**

Fernando Talavera ("Plaintiff") is a former prisoner proceeding *pro se* and *in forma pauperis* with this civil rights action pursuant to 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On August 10, 2020, findings and recommendations were entered, recommending that this action be dismissed for Plaintiff's failure to prosecute. (ECF No. 9.) Plaintiff was granted twenty (20) days in which to file objections to the findings and recommendations. The twenty-

1 day time period has passed, and Plaintiff has not filed objections or otherwise responded to the
2 findings and recommendations.¹

3 In accordance with the provisions of 28 U.S.C. § 636 (b)(1)(B) and Local Rule 304, this
4 court has conducted a *de novo* review of this case. Having carefully reviewed the entire file, the
5 court finds the findings and recommendations to be supported by the record and proper analysis.

6 Accordingly, THE COURT HEREBY ORDERS that:

- 7 1. The Findings and Recommendations issued by the Magistrate Judge on August
8 10, 2020, are adopted in full;
9 2. This action is dismissed, without prejudice, for Plaintiff's failure to prosecute; and
10 3. The Clerk of Court is directed to close this case.

11 IT IS SO ORDERED.

12 Dated: October 8, 2020



13 _____
14 SENIOR DISTRICT JUDGE

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22 ¹ The Order was served on Plaintiff at his address of record at California State Prison-
Sacramento in Represa, California. (Court Record.) On May 14, 2020, Plaintiff filed a notice of change
23 of address to 47254 Diane Street, Indio, California 92201. (ECF No. 8.) On May 14, 2020, the court re-
24 served the court's May 4, 2020 Order on Plaintiff at the new address. (Court Record.) On May 19, 2020,
25 the United States Postal Service returned the Order as undeliverable. (Court Docket.) A notation on the
26 envelope indicated "Undeliverable, Paroled." (Id.) Plaintiff has not notified the court of any current
change in his address. Absent such notice service at a party's prior address is fully effective. Local Rule
182(f).

27 The Clerk's Notice Reassigning Case, issued on May 8, 2020 and served on Plaintiff at
California State Prison-Sacramento in Represa, California, was also re-served on Plaintiff at his address
28 in Indio, California, on May 14, 2020, and returned to the Court by the United States Postal Service on
May 19, 2020, as "Undeliverable, Paroled." (Court Record.)